

Senate Bill 656

By: Senator Hamrick of the 30th

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 20-2-260 of the Official Code of Georgia Annotated, relating to capital outlay funds generally, so as to change certain provisions relating to educational facilities surveys; to provide that zoning actions and permits for new development shall be considered as potential growth indicators for purposes of the state-wide needs assessment and development of local needs assessments; to provide that an educational facilities plan may be revised due to unanticipated accelerated student enrollment growth over a two-year period; to provide that a local school system can request capital outlay funds on a reimbursement basis or prior to or during construction; to provide that the computerized student projection program shall consider zoning actions and permits for new development shall be considered as potential growth indicators; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 20-2-260 of the Official Code of Georgia Annotated, relating to capital outlay funds generally, is amended by striking subsections (c), (d), and (m) and inserting in lieu thereof the following:

"(c) The State Board of Education shall adopt policies, guidelines, and standards, pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' that meet the requirements specified in this Code section. The state board's responsibilities shall include the following:

(1) To adopt policies, guidelines, and standards for the annual physical facility and real property inventory required of each local school system. This inventory shall include, but not be limited to: parcels of land; number of educational facilities; year of construction and design; size, number, and type of construction space; amount of instructional space

1 in permanent and temporary buildings; designations for each instructional space in  
2 permanent and temporary buildings occupied by designated state approved instructional  
3 programs, federal programs, or local programs not required by the state; local property  
4 assessment for bond purposes; outstanding school bonds and annual debt service; and  
5 buildings and facilities not in use or rented or leased to individuals or other agencies of  
6 government, or used for other than instructional programs required by this article, each  
7 identified by its current use. Department of Education staff shall annually review, certify  
8 the accuracy of, and approve each local school system's inventory;

9 (2) To adopt policies, guidelines, and standards for the educational facilities survey  
10 required of local school systems. The educational facilities survey shall be initiated by  
11 written request of a local board of education. The request may suggest the number of  
12 teams and the individuals constituting such teams to participate in the survey. However,  
13 it shall be the responsibility of the Department of Education to constitute the makeup of  
14 the necessary teams. Said teams shall exclude local residents; employees of the local  
15 board of education, the servicing regional educational services agency, and other  
16 educational centers and agencies servicing the local board; and individuals deemed  
17 unacceptable by the local board. The state board shall establish and maintain qualification  
18 standards for participants of survey teams. Each educational facilities survey shall  
19 include, but not be limited to, an analysis of population growth and development patterns,  
20 which shall be based on factors including, but not limited to, recent zoning actions and  
21 permits granted for new development in the county or municipality comprising the local  
22 school system; assessment of existing instructional and support space; assessment of  
23 existing educational facilities; extent of obsolescence of facilities; and recommendations  
24 for improvements, expansion, modernization, safety, and energy retrofitting of existing  
25 educational facilities. The Department of Education staff shall review and certify as to  
26 the accuracy of each educational facilities survey. The state board shall approve or reject  
27 the recommendations of the survey team and shall establish appeal procedures for  
28 rejected surveys;

29 (3) To adopt policies, guidelines, and standards for educational facilities construction  
30 plans. Local school system facilities construction plans shall include, but not be limited  
31 to, a list of construction projects currently eligible for state capital outlay funds, if any;  
32 educational facilities projected for abandonment, if any; educational facilities projected  
33 as needed five years hence; proposed construction projects for modernization, renovation,  
34 and energy retrofitting; proposed construction projects for the purpose of consolidating  
35 small, inefficient educational facilities which are less than the minimum size specified

1 in subsection (q) of this Code section; and other construction projects needed to house  
2 the instructional programs authorized by provisions of this article;

3 (4) To adopt uniform rules, regulations, policies, standards, and criteria respecting all  
4 location, construction, equipping, operating, maintenance, and use of educational  
5 facilities as may be reasonably necessary to assure effective, efficient, and economical  
6 operation of the schools and all phases of the public education program provided for  
7 under the provisions of this article. Such matters shall include, but not be limited to, the  
8 method, manner, type, and minimum specifications for construction and installation of  
9 fixtures and equipment in educational facilities; space requirements per student; number  
10 and size of classrooms; allowable construction costs based on current annual construction  
11 cost data maintained by the Department of Education; and other requirements necessary  
12 to ensure adequate, efficient, and economical educational facilities. The state board shall  
13 adopt policies or standards which shall allow renovation costs up to the amount of new  
14 construction of a replacement facility, provided that the renovated facility provides  
15 comparable instructional and supportive space and has an extended life comparable to  
16 that of a new facility. Except for satisfying the most recent life safety codes, facilities  
17 which are undergoing renovation, modernization, or additions shall otherwise meet  
18 requirements applicable to them prior to renovation, modernization, or additions,  
19 provided that such additions do not increase the student capacity of the facility  
20 substantially above the capacity for which it was designed;

21 (5) To develop a state-wide needs assessment for purposes of planning and developing  
22 policies, anticipating state-wide needs for educational facilities, and providing assistance  
23 to local school systems in developing educational facilities plans. The state-wide needs  
24 assessment shall be developed from, among other sources, vital statistics published by the  
25 Department of Human Resources, census data published by the Bureau of the Census,  
26 local school system educational facilities and real property inventories, educational  
27 facilities surveys, full-time equivalent student projection research, and educational  
28 facilities construction plans; shall reflect circumstances where rapid population growth  
29 is caused by factors not reflected in full-time equivalent student projection research; shall  
30 consider recent zoning actions and permits granted for new development as potential  
31 growth indicators; and shall give priority to elementary school construction. In addition,  
32 the state board shall develop a consistent, systematic research approach to full-time  
33 equivalent student projections which will be used in the development of needs within  
34 each local unit, which shall include, but not be limited to, the consideration of recent  
35 zoning actions and permits granted for new development in the county or municipality

1 comprising the local school system as potential growth indicators. Projections shall not  
2 be confined to full-time equivalent resident students but shall be based on full-time  
3 equivalent student counts which include full-time equivalent nonresident students,  
4 whether or not such full-time equivalent nonresident students attend school pursuant to  
5 a contract between local school systems. The full-time equivalent projection shall be  
6 calculated in accordance with subsection (m) of this Code section. The survey team will  
7 use such projections in determining the improvements needed for the five-year planning  
8 period. The state board shall also develop schedules for allowable square footage and cost  
9 per square foot and review these schedules annually. The cost estimate for each  
10 recommended improvement included in the plan shall be based on these schedules. Any  
11 increase in cost or square footage for a project beyond that allowed by state board  
12 schedules for such projects shall be the responsibility of the local school system and shall  
13 not count toward present or future required local participation. The schedules for  
14 allowable square footage and cost per square foot shall be specified in regulations by the  
15 State Board of Education;

16 (6) To adopt policies, standards, and guidelines to ensure that the provisions of  
17 subsections (e), (f), (g), (h), (i), (j), and (k.1) of this Code section relating to uses of state  
18 capital outlay funds, state and local share of costs, entitlements, allocation of capital  
19 outlay funds, advance funding for certain construction projects, exceptional growth  
20 construction projects, and consolidation of schools across system lines are carried out;

21 (7) To review and approve proposed sites and all architectural and engineering drawings  
22 and specifications on construction projects for educational facilities to ensure compliance  
23 with state standards and requirements, and inspect and approve completed construction  
24 projects financed in whole or in part with state funds, except construction projects under  
25 supervision of the Georgia State Financing and Investment Commission. The state board  
26 may designate selected local units of administration which have staff qualified for such  
27 purposes to act on behalf of the Department of Education in such inspections, when the  
28 project is not under the direction of the Georgia State Financing and Investment  
29 Commission;

30 (8) To coordinate construction project reviews with the state fire marshal's office and  
31 the Department of Human Resources;

32 (9) To provide procedures whereby local school systems may revise their educational  
33 facilities plans or the priority order of construction projects requested to reflect  
34 unforeseen changes in locally identifiable needs, including unanticipated accelerated  
35 student enrollment growth over a two-year period which such accelerated student

1 enrollment growth is expected to continue based on an increase in recent zoning actions  
2 and permits granted for new development in the county or municipality comprising the  
3 local school system and other relevant factors. ~~which~~ Such revisions shall be approved  
4 by the State Board of Education, providing that the ~~such~~ revisions meet state and local  
5 building codes, fire marshal certification, architectural requirements, and minimum size  
6 requirements under subsection (q) of this Code section; and

7 (10) To adopt uniform rules, regulations, policies, standards, and criteria respecting all  
8 location, construction, equipping, operating, maintenance, and use of education facilities  
9 which are used as schools and that are historic landmarks and which are registered as  
10 historic landmarks with the National Register of Historic Places or the Georgia Register  
11 of Historic Places or are certified by the state historic preservation officer as eligible for  
12 such registration and the expenditure of capital outlay funds otherwise available to a  
13 school system for such purposes.

14 (d) In order to qualify for and receive state capital outlay funds in accordance with  
15 provisions of subsections (g) and (h) of this Code section, each local school system must  
16 meet the following conditions and requirements:

17 (1) Prepare and annually update the real property inventory in accordance with  
18 provisions of subsection (c) of this Code section;

19 (2) Complete a local educational facilities plan in accordance with provisions of  
20 subsection (c) of this Code section. Each proposed construction project shall be identified  
21 according to the purposes for capital outlay funds as provided in subsection (e) of this  
22 Code section. Each local school system shall specify the order of importance of all  
23 proposed construction projects, giving priority to elementary school construction projects.  
24 When two or more local school systems agree on the need for a consolidation project  
25 pursuant to subsection (e) of this Code section, the estimated construction cost shall be  
26 prorated to the participating local school systems and included with their identification  
27 of needs in accordance with the proportion of the number of students to be served from  
28 each local school system;

29 (3) Prepare and annually update the local educational facilities needs in accordance with  
30 provisions of subsection (c) of this Code section;

31 (4) Complete a comprehensive educational facilities survey at least once every five years  
32 in accordance with provisions of subsection (c) of this Code section in order to formulate  
33 plans for educational facilities to house adequately the instructional program authorized  
34 by this article. Prior to initiating the survey, the local school system must file a written  
35 request with the State Board of Education that a survey be done in its behalf and

1 recommending the individuals who will conduct it. The cost of the survey shall be paid  
2 from local funds;

3 (5) Submit requests for capital outlay funds to the Department of Education. Capital  
4 outlay funds may be requested by the local school system pursuant to this paragraph on  
5 a reimbursement basis or prior to or during construction on an as-needed basis;

6 (6) Submit descriptions of proposed educational facility sites and all architectural and  
7 engineering drawings and specifications for educational facilities to the Department of  
8 Education for review and approval in accordance with provisions of subsection (c) of this  
9 Code section;

10 (7) Revise the local educational facilities plan and priority order of requested  
11 construction projects in accordance with provisions of subsection (c) of this Code section,  
12 including addressing unforeseen changes in locally identifiable needs based on  
13 unanticipated accelerated student enrollment growth over a two-year period;

14 (8) Provide required local participation; and

15 (9) The Bryan County and Laurens County school systems shall be considered sparsity  
16 systems under Code Section 20-2-292 due to barriers which divide each of the systems  
17 for the purpose of capital outlay funding. The State Board of Education shall not apply  
18 base size criteria or require other criteria under Code Section 20-2-292 to Bryan County  
19 and Laurens County when qualifying requested construction projects under this Code  
20 section."

21 "(m) The State Board of Education shall implement a computerized student projection  
22 program for each school system in Georgia as a component of the state-wide  
23 comprehensive educational information system. The program shall be used in this  
24 subsection to forecast facility needs in each system by projecting full-time equivalent  
25 student counts for each grade level and shall be written in the educational facilities survey.  
26 The projection program methodology at least must correlate live-birth data to full-time  
27 equivalent student counts and project full-time equivalent student counts for each of the  
28 grades, including kindergarten, for each of the next five years using cohort survival. Such  
29 projection program methodology shall also consider, but not be limited to, recent zoning  
30 actions and permits granted for new development in the county or municipality comprising  
31 the local school system as potential growth indicators, for purposes of projection of  
32 full-time equivalent student counts."

## 33 SECTION 2.

34 All laws and parts of laws in conflict with this Act are repealed.